

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

DUNCAN BOLLINGER,	)	
	)	
Claimant,	)	<b>IC 05-001791</b>
	)	
v.	)	
	)	<b><u>ORDER</u></b>
DAX POND, dba PSL EXCAVATION,	)	
	)	
Employer,	)	filed April 21, 2006
	)	
Defendant.	)	
_____	)	

Pursuant to Idaho Code § 72-717, Referee Lora Rainey Breen submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant met his burden and has proven he sustained injury to his low back and right hip, including an L4-5 disc herniation with radicular symptoms, caused by an accident arising out of and in the course of employment on July 15, 2004.
2. At the time of the industrial accident, Dax Pond, dba PSL Excavation, was Claimant's uninsured employer. Dax Pond is personally liable for the workers' compensation benefits and penalties due and owing in this case, as set forth below.
3. Claimant is entitled to recover from Dax Pond medical expenses in the amount of \$15,678.21.

4. Claimant is entitled to recover from Dax Pond total temporary disability benefits in the amount of \$11,732.66.

6. Pursuant to Idaho Code § 72-210, Claimant is entitled to recover from Dax Pond attorney fees in the amount of \$8,223.26, as well as a statutory penalty in the amount of \$2,741.09.

7. Jurisdiction is retained for five years from the date of the accident to adjudicate further issues.

8. Pursuant to Idaho Code § 72-734, all compensation due and payable pursuant to this decision shall accrue interest from the date of the Commission's Order at the statutory rate of 8.375% as set by the State Treasurer effective July 1, 2005.

9. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this \_\_\_\_21 day of \_\_\_\_April\_\_\_\_\_, 2006.

INDUSTRIAL COMMISSION

\_\_\_\_\_/s/\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
James F. Kile, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
R. D. Maynard, Commissioner

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Assistant Commission Secretary

### **CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_21 day of \_April\_\_\_\_\_, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

MICHAEL R McBRIDE  
1495 E 17<sup>TH</sup> ST  
IDAHO FALLS ID 83404

DAX POND dba PSL EXCAVATION  
10895 NORTH 85<sup>TH</sup> EAST  
IDAHO FALLS ID 83401

jkc

\_\_\_\_\_/s/\_\_\_\_\_